

## FISCAL NOTE

### HB 2838 - SB 2813

March 5, 2006

**SUMMARY OF BILL:** Expands the definition of “sexual battery by an authority figure” to include a victim who was, at the time of the offense, mentally defective, mentally incapacitated or physically helpless, regardless of age. A violation of this offense is a Class C felony.

#### ESTIMATED FISCAL IMPACT:

##### **Increase State Expenditures - \$65,800 / Incarceration\***

Assumptions:

- Five offenders will be convicted of a Class C felony for sexual battery by an authority figure in the first year. According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth of 1.09 percent per year will result in one additional offender charged with a Class C felony in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by § 9-4-210, is based on six offenders serving an additional 0.6 years (an increase from 0.3 years for a Class E felony to 0.9 years for a Class C felony).
- Six offenders will serve an additional 0.6 years. According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 0.3 years is \$5,481.19 (\$50.02 x 109.58 days). The cost per inmate at 0.9 years is \$16,442.82 (\$50.02 x 328.725 days). The additional cost from increasing the classification from Class E to Class C is \$10,961.63 (\$16,442.82 - \$5,481.19). The total additional cost for six inmates is \$65,769.78 (\$10,961.63 x 6).

*\*Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

#### CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director